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MEMO

To Examiner Hamid R. Badr

From Sunny Lee, Sejal Gosalia and Yan Lan

Subject Agenda for Interview on November 5, 2009

Date November 4, 2009

Examiner Badr,

We thank you for granting an interview to discuss the Non-Final Office Action issued on August 31, 2009 for U.S. Patent Application No. 10/537,493 (Attorney Docket No. Q88366).

In our telephonic interview on November 5 at 3:00 p.m., we will be discussing the difference between the method for producing fermented milk and fermented milk product by the method of the present application and the method of converting milk into fermented milk of Castberg et al. (U.S. Patent No. 5,453,286) combined with the sterilizing method of Kamiya (EP 1 082 907).

Specifically, we plan to discuss that one of ordinary skill in the art would not have combined the references in the manner asserted because CO₂ is an essential element in the fermentation process of Castberg and there is no motivation to modify Castberg by removing and replacing CO₂ with nitrogen.

For the interview, we will contact you. If you have any questions, please contact us at (202) 857-2273.

Regards,

Sunny Lee
(Registration No. 53,892)